

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO, EASTERN DIVISION**

Richard Cooley, et. al., Plaintiffs, v. John Kasich, et. al., Defendants.	Case No. 2:04-cv-11566 District Judge Gregory L. Frost Magistrate Judge Mark R. Abel
Brett Hartman Plaintiffs, v. John Kasich, et. al., Defendants.	Case No. 2:09-cv-242 District Judge Gregory L. Frost Magistrate Judge E. A. Preston Deavers
Romell Broom Plaintiffs, v. John Kasich, et. al., Defendants.	Case No. 2:09-cv-823 District Judge Gregory L. Frost Magistrate Judge Mark R. Abel
Lawrence Reynolds et. al., Plaintiffs, v. John Kasich, et. al., Defendants.	Case No. 2:10-cv-27 District Judge Gregory L. Frost Magistrate Judge Terrence P. Kemp

**PLAINTIFF BASTON'S AGREED MOTION FOR AN ORDER
GRANTING VOLUNTARY DISMISSAL WITH PREJUDICE**

Plaintiff Baston, through counsel, and with the agreement of Defendants through counsel, hereby respectfully requests that this Court grant his motion for an Order voluntarily dismissing his action with prejudice, which dismissal is, by agreement, to be effective at 12:01 a.m. on March 11, 2011.

This Motion is made pursuant to the terms of a settlement agreement Plaintiff Baston entered with all Defendants (Plaintiff Carter entered the same agreement). Recognizing that Mr. Baston faces an execution scheduled for March 10, 2011 at 10:00 a.m., and that under Ohio law, the death warrant authorizing the execution expires at midnight on March 10, 2011, Mr. Baston

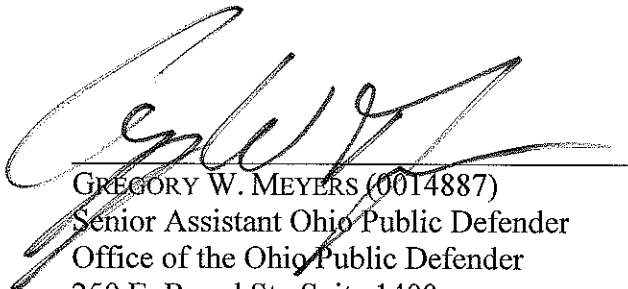
and Defendants included the following provision in their settlement agreement:

This Agreement is entered into in consideration of the attached Stipulations of Voluntary Dismissal With Prejudice, which shall be filed for both Baston and Carter on or before March 9, 2011; but which shall, for Baston, be deemed effective at 12:01 a.m. on March 11, 2011, and for Carter at 12:01 a.m. on April 13, 2011. The effective date and time of the voluntary dismissals is intended only for the limited purpose of permitting counsel who may witness Baston's or Carter's execution to have an action pending in connection with which they can ask the Court to halt an execution after the death warrant is read should counsel decide such a step is necessary. The effectuation of this Agreement is conditioned upon the Court's approval of these voluntary dismissals, and the performance of the terms contained herein.

In keeping with this provision of the settlement agreement, counsel for the parties signed the attached document captioned PLAINTIFF BASTON'S AGREED VOLUNTARY DISMISSAL WITH PREJUDICE.


For these reasons, Plaintiff Baston asks this Court to enter an Order dismissing his case with prejudice, effective at 12:01 a.m. on March 11, 2011.

Respectfully submitted,



GREGORY W. MEYERS (0014887)
Senior Assistant Ohio Public Defender
Office of the Ohio Public Defender
250 E. Broad St., Suite 1400
Columbus, Ohio 43215
(614) 466-5394

COUNSEL FOR PLAINTIFF BASTON



CHARLES L. WILLE (0056444)
Principal Assistant Ohio Attorney General
Office of the Ohio Attorney General
150 E. Gay Street, 16th Floor
Columbus, Ohio 43215
(614) 728-7055

COUNSEL FOR ALL DEFENDANTS

**IN THE UNITED STATES DISTRICT COURT
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Plaintiffs,

v.

John Kasich, et. al.,
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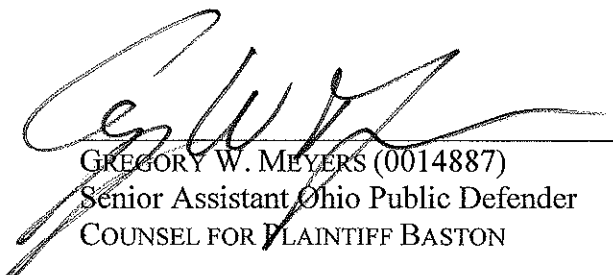
v.


John Kasich, et. al.,
Defendants.

Case No. 2:10-cv-27
District Judge Gregory L. Frost
Magistrate Judge Terrence P. Kemp

PLAINTIFF BASTON'S AGREED VOLUNTARY DISMISSAL WITH PREJUDICE

It is hereby stipulated and agreed by and between Plaintiff Baston and all Defendants, through their respective counsel, and pursuant to Fed. R. Civ. P. 41(a), that Mr. Baston's action is dismissed with prejudice effective at 12:01 a.m. on March 11, 2011.


GREGORY W. MEYERS (0014887)
Senior Assistant Ohio Public Defender
COUNSEL FOR PLAINTIFF BASTON


CHARLES L. WILLE (0056444)
Principal Assistant Ohio Attorney General
COUNSEL FOR ALL DEFENDANTS